

ERSKINE & TULLEY  
A PROFESSIONAL CORPORATION  
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE SHEET METAL )	NO. C 10 2212 EMC
WORKERS, et al., )	
Plaintiffs, )	DECLARATION OF ATTORNEY
vs. )	MICHAEL J. CARROLL
SUPERHALL MECHANICAL INC., etc., )	REQUESTING ADDITIONAL
Defendant. )	TIME TO RESPOND TO THE
	COURT'S ORDER DATED
	5/25/11 AND TO RESET THE
	MOTION FOR DEFAULT
	JUDGMENT; ORDER

I, MICHAEL J. CARROLL, certify:

1. I am an attorney with the law firm of Erskine & Tulley, A Professional Corporation, attorneys for plaintiffs, BOARD OF TRUSTEES OF THE SHEET METAL WORKERS HEALTH CARE PLAN OF NORTHERN CALIFORNIA, SHEET METAL WORKERS PENSION TRUST OF NORTHERN CALIFORNIA, SHEET METAL WORKERS LOCAL 104 VACATION, HOLIDAY SAVINGS PLAN; BRUCE WORD, TRUSTEE, in this action. I am duly admitted to practice law in the United States District Court, Northern District of California. If called as a witness, I could and would competently testify as follows:

2. I am out of town on the East Coast and have been since

1 the morning of Wednesday, May 25, 2011.

2 3. I did not pick up e-mail until today. I learned that  
3 at 2:09 p.m. on Wednesday May 25, 2011 Judge Chen issued an Order  
4 regarding Supplemental Briefing and/or Evidence.

5 4. I am not in a position to respond to the Court's Order  
6 by Declaration or documents.

7 5. It is requested that the Court grant me additional time  
8 to respond to its Order to June 15, 2011.

9 6. It is also requested that the Court reset the hearing  
10 on the Motion for Default Judgment to June 22, 2011 or a date  
11 thereafter at the Court's convenience.

12 7. Good cause exists to grant plaintiffs' request for a  
13 additional time to respond to the Court's Order for Supplemental  
14 Briefing and/or Evidence because of the impossibility of plaintiffs'  
15 attorney to respond at this time and to reset the date for the hearing  
16 on the Motion for Default Judgment to avoid any unnecessary burden to  
17 the Court.

18 I declare under penalty of perjury that the foregoing is  
19 true and correct to the best of my knowledge.

20 Executed on May 31, 2011 at Manchester, New Hampshire.

21 /s/ Michael J. Carroll  
22 Michael J. Carroll

23  
24  
25 O R D E R

26 IT IS SO ORDERED.

27 Dated: 6/1/11

28 Judge Edward M. Chen



PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City of Sausalito, County of Marin, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 3030 Bridgeway, Suite 121, Sausalito, CA 94965. On May 31, 2011 I served the within DECLARATION OF MICHAEL J. CARROLL REQUESTING ADDITIONAL TIME TO RESPOND TO THE COURT'S ORDER DATED 5/25/11 AND TO RESET THE MOTION FOR DEFAULT JUDGMENT on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at Rio Vista, addressed as follows:

Superhall Mechanical Inc.  
Emmanuel Denchukwu  
P. O. Box 5653  
Hercules, CA 94547

I, DIANE ANDRADE, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on May 31, 2011 at Rio Vista, California.

/s/Diane Andrade  
DIANE ANDRADE